

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 5754

PERMIT 3291

LICENSE 3755

ORDER AUTHORIZING ADDITION OF TWO  
POINTS OF REDIVERSION

WHEREAS:

1. License 3755 was issued to Mary and Ethel Mulligan and was filed with the County Recorder of Sutter County on June 24, 1953.
2. License 3755 was subsequently assigned to James H. Akin et al.
3. A petition to add two points of rediversion have been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The license paragraph pertaining to the continuing authority of the Board does not conform to the current, common law public trust doctrine as contained in Title 23 California Administrative Code Section 780(a).
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The two points of rediversion added under this license shall be as follows:
  - 1.) North 27°47'49" West 2,834.22 feet from SE corner of Section 12, T13N, R2E, MDB&M being within NE¼ of SE¼ of said Section 12 also described as California Coordinates Zone 2, N 481,650 and E 2,087,100
  - 2.) South 32°22'54" West 997.95 feet from NE corner of Section 13, T13N, R2E, MDB&M being within NE¼ of NE¼ of said Section 13 also described as California Coordinates Zone 2, N 471,000 and E 2,087,900.
2. The paragraph pertaining to the continuing authority of the Board is replaced with the following:

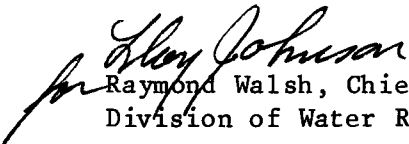
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all

or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated:        **JUNE    23 1987**

  
Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 5754

PERMIT 3291

LICENSE 3755

THIS IS TO CERTIFY, That Mary Mulligan and Ethel Mulligan  
P.O. Box 604

Notice of Change (Over)

Lincoln, California

made proof as of April 22, 1952

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
East dredge cut of Sutter By-Pass in Sutter County

tributary to Sacramento River

for the purpose of irrigation

under Permit 3291

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from November 12, 1927; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed thirteen and seven tenths (13.7) cubic feet per second to be diverted from about April 1 to about October 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located as follows:

- (1) South two thousand (2000) feet and west seven hundred (700) feet from NE corner of Section 11, T 13 N, R 2 E, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 11.
- (2) South nine hundred (900) feet and west four hundred fifty (450) feet from NE corner of Section 13, T 13 N, R 2 E, MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 13.

A description of the lands or the place where such water is put to beneficial use is as follows:

687 acres within Sections 2, 11, 12 and 13, T 13 N, R 2 E, MDB&M, and Section 18, T 13 N, R 3 E, MDB&M, as shown on map filed with State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 22nd  
day of June, 1953

*A. D. Edmonston*  
A. D. EDMONSTON, State Engineer



5/10/68

RECEIVED NOTICE OF ASSIGNMENT

of Int. of Mary Mulligan to  
Ethel + James D. Mulligan;  
3-13-81 Agreed to James H. Alden, Jack R. +  
James R. Akin + Mary C. DiStefano dba  
Akin Ranch & Partnership

LICENSE 3755

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Mary Mulligan, et al

DATED

48807 7-51 3M STATE PRINTING OFFICE